



11-16-4

11-15-04
RCE

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request for Continued Examination (RCE) Transmittal

Address to:
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|------------------|
| Application Number | 09/858,327 |
| Filing Date | May 15, 2001 |
| First Named Inventor | Leroy J. Ohlsen |
| Art Unit | 1745 |
| Examiner Name | Jonathan Crepeau |
| Attorney Docket Number | 690089.401C5 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ii. Other _____
- b. Enclosed
- | | |
|---|--|
| i. <input checked="" type="checkbox"/> Amendment/Reply | iii. <input type="checkbox"/> Information Disclosure Statement (IDS) |
| ii. <input type="checkbox"/> Affidavit(s)/ Declaration(s) | iv. <input type="checkbox"/> Other _____ |

2. **Miscellaneous**

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-0915. I have enclosed a duplicate copy of this sheet.

- i. RCE fee required under 37 CFR 1.17(e) || 11/17/2004 JADD01 00000029 09858327
- ii. Extension of time fee (37 CFR 1.136 and 1.17) || 01 FC:2801 || 395.00 0P
- iii. Other _____
- b. Check in the amount of \$ 395.00 enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|----------------|------------------|----------|
| Signature | | Date | 11/15/04 |
| Name (Print/Type) | Thomas E. Loop | Registration No. | 42,810 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|----------------|------------------|----------|
| Signature | | Date | 11/15/04 |
| Name (Print/Type) | Cori N. Lanman | Registration No. | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOV 15 2004

PTO/SB/17 (10-04v2)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 395.00)

Complete if Known

| | |
|----------------------|------------------|
| Application Number | 09/858,327 |
| Filing Date | May 15, 2001 |
| First Named Inventor | Leroy J. Ohlsen |
| Examiner Name | Jonathan Crepeau |
| Art Unit | 1745 |
| Attorney Docket No. | 690089.401C5 |

METHOD OF PAYMENT (check all that apply)
 Check Credit card Money Order Other None
 Deposit Account:

| | |
|------------------------|-----------------|
| Deposit Account Number | 02-0915 |
| Deposit Account Name | Barnard & Pauly |

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) | | |
| 1001 790 | 2001 395 | Utility filing fee | |
| 1002 350 | 2002 175 | Design filing fee | |
| 1003 550 | 2003 275 | Plant filing fee | |
| 1004 790 | 2004 395 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
| | | | | | |
| | | | -20** = | X | = |
| | | | - 3** = | X | = |
| | | | | | |

| Large Entity | Small Entity | Fee Description |
|--------------------------|---------------|--|
| Fee Code (\$) | Fee Code (\$) | |
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 88 | 2201 44 | Independent claims in excess of 3 |
| 1203 300 | 2203 150 | Multiple dependent claim, if not paid |
| 1204 88 | 2204 44 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) | | |

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------------------|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 430 | 2252 215 | Extension for reply within second month | |
| 1253 980 | 2253 490 | Extension for reply within third month | |
| 1254 1,530 | 2254 765 | Extension for reply within fourth month | |
| 1255 2,080 | 2255 1,040 | Extension for reply within fifth month | |
| 1401 340 | 2401 170 | Notice of Appeal | |
| 1402 340 | 2402 170 | Filing a brief in support of an appeal | |
| 1403 300 | 2403 150 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,370 | 2453 685 | Petition to revive - unintentional | |
| 1501 1,370 | 2501 685 | Utility issue fee (or reissue) | |
| 1502 490 | 2502 245 | Design issue fee | |
| 1503 660 | 2503 330 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 790 | 2809 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 790 | 2810 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 790 | 2801 395 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | 395.00 |
| Other fee (specify) _____ | | | |

*Reduced by Basic Filing Fee Paid

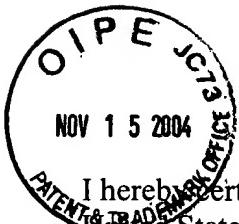
SUBTOTAL (3) (\$ 395.00)**SUBMITTED BY**

| | | | | | |
|-------------------|---|-----------------------------------|--------|-------------------|--------------|
| Name (Print/Type) | Thomas E. Loop | Registration No. (Attorney/Agent) | 42,810 | Telephone | 206-381-3100 |
| Signature |  | | Date | November 15, 2004 | |

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I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as Express Mail #ED534013421US in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313.

November 15, 2004

Date

Cori N. Lanman

Cori N. Lanman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/858,327 Confirmation No.: 3577
Applicant: Neah Power Systems, Inc.
Filed: May 15, 2001
Title: Hydrodynamic Transport and Flow Channel Passageways Associated With Fuel Cell Electrode Structures and Fuel Cell Electrode Stack Assemblies
TC/A.U.: 1745
Examiner: Jonathan Crepeau
Docket No.: 690089.401CS
Cust. No.: 31740

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 CFR 1.114

Sir:

In response to the Notice Regarding Drawings dated October 4, 2004 issued by the Office of Patent Publications (PUBS), Applicants file herewith a Request for Continued Examination (RCE) under 37 CFR 1.114. Accordingly, please consider the following amendments and accompanying remarks.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Drawings begin on page 16 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

Remarks begin on page 17 of this paper.